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{ REPORT
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MORLEY NELSON SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA ACT

FEBRUARY 15, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 262]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 262) to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 262 is to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area.

BACKGROUND AND NEED

The Snake River Birds of Prey National Conservation Area was established by Congress in 1993 (Public Law 103–64) to recognize and perpetuate the area’s wildlife values. The area encompasses 485,000 acres of public land along approximately 80 miles of the Snake River in southwestern Idaho. The river lies within a deep canyon that is surrounded by a vast plateau. Cliffs towering up to

700 feet above the river provide ledges, cracks, and crevices for nesting birds of prey, also known as raptors.

After returning home as a decorated veteran of World War II, Morley Nelson recognized the unique importance of the Snake River area to the many species of raptors in the Snake River area. Starting in the 1950's, Morley Nelson spent decades convincing ranchers and farmers to accept the birds as an integral part of the ecosystem. He raised public awareness about birds of prey through scores of speeches and dozens of movies and television specials starring his eagles and hawks, including seven films for Disney. His work later led to the area's protection through various designations, culminating in its establishment by Congress as a National Conservation Area.

Morley Nelson is also known for solving the long-standing problem with raptor electrocution from power lines and the associated power outages and even occasional wildfires. In cooperation with Idaho Power Company, and later with other utilities, he helped develop guards and redesigned power transmission lines to reduce raptor electrocution. This technology has since spread throughout the world.

Morley Nelson passed away February 12, 2005. Renaming of the Snake River Birds of Prey National Conservation Area will honor his life's work and efforts to protect the area.

LEGISLATIVE HISTORY

S. 262 was introduced by Senators Craig and Crapo on January 11, 2007. During the 109th Congress, the Committee considered identical legislation, S. 761, also sponsored by Senators Craig and Crapo. The Subcommittee on Public Lands and Forests held a hearing on S. 761 on May 11, 2005 (S. Hrg 109-104). The Committee ordered S. 761 favorably reported on May 11, 2005 (S. Rept. 109-162) and the bill passed the Senate, by unanimous consent, on November 16, 2005. No further action occurred prior to the sine die adjournment of the 109th Congress.

At its business meeting on January 31, 2007, the Committee on Energy and Natural Resources ordered S. 262 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 31, 2007, by a unanimous vote of a quorum present, recommends that the Senate pass S. 262.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Subsection 2(a) provides for the renaming of the area.

Subsection (b) directs that any documents referencing the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

Subsection (c) makes technical corrections to the authorizing legislation for the National Conservation Area, Public Law 103-64.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

S. 262—Morley Nelson Snake River Birds of Prey National Conservation Area Act

S. 262 would rename the Snake River Birds of Prey National Conservation Area in Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area. Based on information from the Department of the Interior, CBO estimates that S. 262 would have no significant impact on federal costs. Enacting the bill would not affect direct spending or revenues.

S. 262 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 262. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 262, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because S. 262 is identical to legislation considered in the 109th Congress, the Committee did not request Executive Agency views. The Bureau of Land Management did not provide written testimony on S. 761 in the 109th Congress since the bill provided only for the renaming of an existing area.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 262, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

1AN ACT To establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes [Pub. L. 103-64]

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SEC. 2. DEFINITIONS.

As used in this Act:

- (1) The term ‘Secretary’ means the Secretary of the Interior.

(2) The term ‘conservation area’ means the *Morley Nelson* Snake River Birds of Prey National Conservation Area established by section 3.

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SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—(1) There is hereby established the *Morley Nelson* Snake River Birds of Prey National Conservation Area [(hereafter referred to as the ‘conservation area’)].

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SEC. 4. MANAGEMENT AND USE.

(a) IN GENERAL.—(1)(A) Within 1 year after the date of enactment of this Act, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the [Conservation Area] *conservation area* is established.

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(d) VISITORS USE OF AREA.—In addition to the [Visitors Center] *visitors center*, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

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